## Requirements for Meal Modifications in the Child and Adult Care Food Program (CACFP)

#### **Adult Day Care Centers**





Connecticut State Department of Education
Bureau of Health/Nutrition, Family Services and Adult Education
Child Nutrition Programs

#### **Presentation Information**

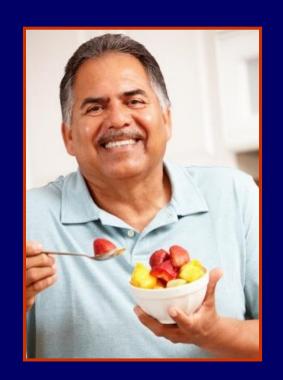
- This presentation provides general guidance regarding the meal modification requirements for adult day care centers that participate in the U.S. Department of Agriculture's (USDA) CACFP
- Links to relevant resources are indicated in the yellow bar at the bottom of a slide
- For detailed guidance, visit the Connecticut State Department of Education's (CSDE) Special Diets in CACFP Adult Day Care Centers webpage at https://portal.ct.gov/SDE/Nutrition/Special-Diets-in-CACFP-Adult-Day-Care-Centers
- For specific questions or additional guidance, please contact the CSDE (see slide 101)

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## USDA Adult Meal Patterns for the CACFP

- CACFP adult day care centers must comply with the USDA's CACFP adult meal patterns
- However, modifications may be needed for participants whose disability restricts their diet



#### **Meal Modifications**

- Federal nondiscrimination laws require meal modifications for participants whose disability (physical or mental impairment) restricts their diet
  - All meal modifications must be made on a case-by-case basis to meet the specific medical condition and dietary needs of each individual participant



#### **Meal Modifications**

Meal modifications are optional for participants without a disability



# Federal Nondiscrimination Legislation



#### **Federal Nondiscrimination Legislation**

Contain provisions require CACFP adult day care centers to make reasonable meal modifications for participants whose disability restricts their diet

- Section 504 of the Rehabilitation Act of 1973
- Americans with Disabilities Act (ADA) of 1990 and the ADA Amendments Act of 2008
- USDA Nondiscrimination Regulations (7 CFR 15b)

## Section 504 of the Rehabilitation Act of 1973

Prohibits discrimination on the basis of disability in any federal government program that receives *federal financial assistance* 



#### **ADA Amendments Act**

- Expands and clarifies definition of disability
  - Viewed more broadly
  - Encompasses more impairments that limit a major life activity and require an accommodation



- Clarifies that emphasis is on providing reasonable modification
  - Person with disability does not have high burden of proving their disability

#### **Definition of Disability (ADA)**

- A physical or mental impairment that substantially limits one or more major life activities of such individual
- A record of such an impairment
- Being regarded as having such an impairment

#### **Definition of Disability (ADA)**

#### **ADA Amendments Act**

- Revises "substantially limits"
- Includes more "major life activities"



#### **Expanded Definition of Disability**

#### Major life activities

- Caring for one's self
- Performing manual tasks
- Seeing
- Hearing
- Eating
- Sleeping
- Walking
- Standing
- Lifting

- Bending
- Speaking
- Breathing
- Learning
- Reading
- Concentrating
- Thinking
- Communicating
- Working

### **New category Major bodily functions**

- Immune system
- Normal cell growth
- Digestive
- Bowel
- Bladder
- Neurological
- Brain
- Respiratory
- Circulatory
- Endocrine
- Reproductive

## Includes Conditions that are not Life Threatening or Severe

- A condition could be a disability even if it does not prevent or severely/significantly restrict a major life activity
- Individualized assessment (case-by-case basis)

Example: A participant whose digestion is impaired by a food intolerance may be a person with a disability, even if consuming the food does not cause the participant severe distress

#### **Disregards Mitigating Measures**

- Determination of disability must be made without regard to ameliorative effects of mitigating measures
  - mitigating measures = medications, prosthetic devices, assistive devices, or learned behavioral or adaptive neurological modifications that an individual may use to eliminate or reduce the effects of an impairment

#### Disregards Mitigating Measures

Example: A participant may be able to control an allergic reaction by taking medication

Example: A participant may be able to control diabetes through insulin and diet

#### **Includes Episodic Disabilities**

- Modification is required if an impairment is episodic or in remission but substantially limits a major life activity when active
- Examples
  - mental illness
  - multiple sclerosis
  - Crohn's colitis
  - some forms of cancer

#### **May include Temporary Disabilities**

Must consider duration (or expected duration) and extent to which impairment actually limits a major life activity

#### **Examples**

- A participant had major oral surgery due to an accident and is unable to consume food for a significant period of time unless the texture is modified
- For several months, a participant is on medication that requires avoidance of certain foods

#### May include Temporary Disabilities

- Modification is required if participant's condition is temporary, but severe and lasts for a significant duration
- Must consider *duration* (or expected duration) and *extent* to which impairment actually limits a major life activity
  - Temporary illnesses or injury (cold, flu, minor broken bone) generally do not require reasonable meal modifications

#### **Comparison of Federal Nondiscrimination Laws**

Criteria	Section 504	ADA Amendments Act
Participant has a disability	Yes	Yes *
Meal accommodations required	Yes	Yes *
Federal funding available	No	No

<sup>\*</sup> If participant's medical condition meets the definition of disability under the ADA Amendments Act

#### **Comparison of Federal Nondiscrimination Laws**

Criteria	Section 504	ADA Amendments Act
Plan on file	<ul> <li>Individualized Health Care Plan (IHCP) and/or Section 504 Plan</li> <li>May also have Emergency Care Plan (ECP)</li> </ul>	• IHCP • May also have ECP
Required documentation for meal modification	Medical statement signed by recognized medical authority	Medical statement signed by recognized medical authority

#### **CSDE** Resource

Summary of
Requirements for
Accommodating
Special Diets in
the CACFP

#### Summary of Requirements for Accommodating Special Diets for Children in the Child and Adult Care Food Program (CACFP)

This document summarizes the requirements for meal modifications for children in the U.S. Department of Agriculture's (USDA) CACFP. These requirements apply to all CACFP child care facilities, including child care centers, at-risk afterschool care centers, emergency shelters, and family day care homes. The USDA's nondiscrimination regulations (7 CFR 15b) and CACFP regulations (7 CFR 226.20(g)) require reasonable modifications for children whose disability restricts their diet, based on a written medical statement signed by a recognized medical authority.

Under the Americans with Disabilities (ADA) Amendments Act of 2008, most physical and mental impairments will constitute a disability. This includes conditions that impair immune, digestive, neurological, and bowel functions, as well as many others. A physical or mental impairment does not need to be life threatening to constitute a disability. Limiting a major life activity is sufficient. For example, a child whose digestion is impaired by a food intolerance (such as lactose intolerance) may be a person with a disability, regardless of whether consuming the food causes the child severe distress. All disability considerations must be reviewed on a case-by-case basis, i.e., specific to the individual medical condition and dietary needs of each child.

CACFP facilities may choose to make optional modifications (within the CACFP meal patterns) for children whose dietary restrictions do not constitute a disability. Examples of optional modifications include requests related to religious or moral convictions, general health concerns, and personal food preferences, such as a family's preference that their child eats a gluten-free diet or organic foods because they believe it is healthier. For information on the requirements for meal modifications, review the Connecticut State Department of Education's (CSDE) guide, \*Acommodating Special Diets in CACFP Child Care Programs,\* and visit the CSDE's Special Diets in CACFP Child Care Programs webpage.

Scenario	Determination of disability	Plan on file	Examples of medical conditions <sup>1</sup>	Modification required?	Required documentation	What medical statement must include
Child is determined to have a disability (physical or mental impairment) under Section 504, and the disability restricts the child's diet	Section 504 meeting	504 plan and Individualized Health Care Plan (IHCP)     May also have an Emergency Care Plan (ECP) depending on child's medical condition	Medical conditions that substantially limit a major life activity and affect the child's diet, for example:  • metabolic diseases, such as diabetes or phenylketonuria (PKU)  • food anaphylaxis (lifethreatening food allergy)	Yes	Medical statement signed by recognized medical authority 2,3	Information about how the child's physical or mental impairment restricts the child's diet An explanation of what must be done to accommodate the child The food or foods to be omitted and recommended alternatives, if appropriate

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# Disability Discrimination Related to CACFP Meals



#### Prohibited by 7 CFR 15b.4(b)(1)

- Denying a person with a disability the opportunity to participate in or benefit from the recipient's aid, benefit, or services
- Providing a person with a disability an opportunity to participate that is *not equal* to the opportunity provided to others
- Providing a person with a disability an aid, benefit, or service that is *not as effective* as the aid, benefit, or service provided to others
- Providing a person with a disability a *different* aid, benefit, or service, unless doing so is necessary to provide an aid, benefit, or service that is *as effective* as those provided to others

## Types of Disability Discrimination (violation of civil rights laws)

- Discrimination because of the disability
  - Denying benefits or opportunity to participate
  - Segregating individuals with disabilities
  - Aiding, perpetuating, or contracting with others that discriminate
- Failure to provide a reasonable modification
- Ineffective communication
- Inaccessible facilities



CACFP adult day care centers must ensure discrimination does not occur

## What Constitutes a Disability



#### What Constitutes a Disability

- Based on federal nondiscrimination laws and a recognized medical authority's diagnosis of the participant's medical condition
- Medical statement indicates if the participant has a physical or mental impairment (disability) that restricts their diet

## USDA Nondiscrimination Regulations (7 CFR 15b)

Prohibit discrimination against participants with disabilities in any USDA program or activity



#### Is Meal Modification Required?

Can determine if a participant requires a meal modification by reviewing question
 10 in section B of the CSDE's form, Medical Statement for Meal Modifications in CACFP Adult Day Care Centers

#### Section B - Completed by participant's recognized medical authority

This section must be completed by the participant's physician, physician assistant, doctor of osteopathy, or advanced practice registered nurse (APRN). APRNs include nurse practitioners, clinical nurse specialists, and certified nurse anesthetists who are licensed as APRNs.

10.	Physical or r	mental impairment: Does the participant have a physical or mental impairment that restricts the participant's diet?
	☐ No	Yes: Describe how the participant's physical or mental impairment restricts the participant's diet.

#### Is Meal Modification Required?

#### Section B - Completed by participant's recognized medical authority

This section must be completed by the participant's physician, physician assistant, doctor of osteopathy, or advanced practice registered nurse (APRN). APRNs include nurse practitioners, clinical nurse specialists, and certified nurse anesthetists who are licensed as APRNs.

- 10. Physical or mental impairment: Does the participant have a physical or mental impairment that restricts the participant's diet?
  No Yes: Describe how the participant's physical or mental impairment restricts the participant's diet.
- If "Yes," CACFP adult day care center must make meal modification
- If "No," CACFP adult day care center can choose, but is not required, to make meal modification

## **Examples of Disabilities that**May Require Meal Modifications \*

- Autism
- Cancer
- Celiac disease
- Cerebral palsy
- Diabetes
- Food allergies (including non-life-threatening)
- Food intolerances,e.g., lactose, gluten

- Heart disease
- Metabolic disorders
- Obesity
- Phenylketonuria (PKU)
- Seizure disorder
- Certain temporary disabilities

<sup>\*</sup> This list is not all-inclusive and these conditions might not require meal modifications for all participants (case-by-case basis)

#### **Disabilities Do Not Include**

- General health concerns
- Personal preferences
- Vegetarianism
- Religious or moral convictions



#### **Examples**

- A participant prefers a gluten-free or organic diet because she believes it is healthier
- A participant does not eat certain foods for religious reasons

## Resources for What Constitutes a Disability

- CSDE Guide: Accommodating Special Diets in CACFP Adult Day Care Centers (see slide 96)
- CSDE Handout: Guidance and Instructions: Medical Statement for Meal Modifications in CACFP Adult Day Care Centers (see slide 43)
- CSDE Operational Memorandum No. 2A-18 (see slide 97)
- USDA Policy Memo CACFP 14-2017 (see slide 98)

# Meal Modifications for Participants with Disabilities



## USDA Requirements for Meal Modifications

#### **General Guideline**

Participants with disabilities must be able to participate in and receive benefits from programs that are available to participants without disabilities



### USDA Requirements for Meal Modifications

- USDA requires reasonable modifications if a disability restricts the participant's diet
- Must be documented with a medical statement signed by a recognized medical authority

#### **Definition of Reasonable Modification**

A change or alteration in policies, practices, and/or procedures to accommodate a disability that ensures participants with disabilities have equal opportunity to participate in or benefit from a program



#### **Definition of Recognized Medical Authority**

A state-licensed health care professional who is authorized to write medical prescriptions under state law and is recognized by the Connecticut State Department of Public Health

- physicians (MD)
- physician assistants (PA or PAC)
- doctors of osteopathy (DO)
- advanced practice registered nurses (APRN)



CACFP adult day care centers cannot accept medical statements signed by any other individuals

# USDA Requirements for Medical Statement



#### **Medical Statement Must Include**

- Information about participant's physical or mental impairment (disability) that is sufficient to allow the CACFP adult day care center to understand how the impairment restricts the participant's diet
- An explanation of what must be done to accommodate the participant's disability
- If appropriate, the food or foods to be omitted and recommended alternatives

#### **Appropriate Medical Statement**

- Recommendation: Use the CSDE's form (see slide 42)
- If CACFP adult day care center uses an alternate form, it must contain the information required by USDA (see slide 40)
- To protect the privacy and confidentiality of participants, the CACFP adult day care center's medical statement cannot require a specific diagnosis by name or use the term "disabled" or "disability"

#### **CSDE** Resource

# Medical Statement for Meal Modifications in CACFP Adult Day Care Centers

- English
- Spanish

#### Medical Statement for Meal Modifications in Child and Adult Care Food Program (CACFP) Adult Day Care Centers

This form applies to requests for meal modifications for adult participants in adult day care centers participating in the U.S. Department of Agriculture's (USDA) CACEP. CACEP adult day care centers are required to make reasonable meal modifications for participants whose physical or mental impairment restricts their dist. For guidance on meal modifications and instructions for completing this form, see the Connecticut State Department of Education's (CSDE) document, Guidance and Instructions: Modeol Statement for Meal Modifications in CACEP Adult Day Care Costin.

Note: The USDA requires that the medical statement includes: 1) information about the participant's physical or mental impairment that is sufficient to allow the adult day care center to understand how the impairment sorticts the participant's diet; 2) an explanation of what must be done to accommodate the participant's disability and 3) if appropriate, the food or foods to be omitted and recommended alternatives. CACFP adult day care centers should not demy or delay a requested meal modification because the medical statement does not provide sufficient information. When necessary, the adult day care center should work with the participant or responsible family member to obtain the required information. While obtaining additional information, the CACFP adult day care center should follow the portion of the medical statement that is clear and unambiguous to the greatest extern possible.

1. Nan	ne of participant:		<ol><li>Birth date:</li></ol>	
3. Nan	ne of responsible family member (if applical	ble):		
f. Pho	ne number (with area code):	5. E-mail address:		
Add	ness:	Gity:	State:	Zip:
	ccordance with the provisions of the Health			
Fam	ily Educational Rights and Privacy Act (FEI	RPA), I hereby authorize		
to re	slease such protected health information as i	s necessary for the specific pur	pose of special diet infor	mation to
_		and I consent to all	ow the recognized medic	al authority to freely
	name of CACFP abdi day are center			
			liability of our receipt fo	or a sessocial disc. I
unde	erstand that I may rescind permission to rele t released.		ligibility of my request for a except when the inform	
been	erstand that I may rescind permission to rele	rase this information at any tim	e except when the inform	nation has already
been Sign	erstand that I may rescind permission to rele a released.	case this information at any time	e except when the inform	nation has already
unde been 3. Sign Section This sec	erstand that I may rescind permission to rule a released. usture of participant or responsible family m	case this information at any time  cmber:  prized medical authority  physician, physician assistant,	9. Da	nation has already  te: advanced practice
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under been  8. Sign  Section  This see registers  licensed  10. Phy	estand that I may rescind permission to rule a released. atter of participant or responsible family man is B—Completed by participant's recog- ction must be completed by the participant's of name (APRN). APRNs include nurse pra- as APRNs. spical or mental impairment: Does the pa-	mee this information at any time ember: nized medical authority physician, physician assistant, actitioners, clinical nurse special stricipunt have a physical or me cipant's physical or mental imp	9. Da doctor of esteopathy, or lists, and certified nurse a ntal impairment that rest airment restricts the part	nation has already te: advanced practice uneathetists who are ricts the participant's die

https://portal.ct.gov/-/media/SDE/Nutrition/CACFP/SpecDiet/AdultMedical.pdf https://portal.ct.gov/-/media/SDE/Nutrition/CACFP/SpecDiet/AdultMedical\_Spanish.pdf

#### **CSDE** Resource

Guidance and Instructions:
Medical Statement for
Meal Modifications
in CACFP Adult Day Care
Centers

- English
- Spanish

#### Guidance and Instructions

Medical Statement for Meal Modifications in Child and Adult Care Food Program (CACFP) Adult Day Care Centers

The Connecticut State Department of Education's (CSDE) Multiral Statement for Mud Multiplations in CACEP Adult Day Core Conten applies to requests for meal modifications for adult participants in adult day care centers participating in the U.S. Department of Agriculture's (USDA) CACEP, CACEP adult day care centers:

- are required to make reasonable meal modifications for participants whose physical or mental impairment (disability) restricts their diet; and
- have the option to make useal modifications for participants whose special dictary needs do not constitute a disability, if the requested modification complies with the USDA meal patterns.

This document provides general guidance on the requirements for meal modifications (pages 1-7) and instructions for completing the CSDE's Madual Statement for Mad Modifications in CACFP Adult Care Control form (pages 8-9). For detailed guidance on the requirements for modified meals, review the CSDE's guide, Autoensalating Special Data in CACFP Adult Day Care Control.

#### Determining if a meal modification is required

CACFP adult day care centers can determine if an adult participant requires a meal modification by reciewing question 10 in section B of the CSDE's Mediud Statement for Meal Modifications in CACFP Adult Day Costors form. Question 10 asks if the participant has a physical or mental impairment that restricts their diest. If the recognized medical authority's answer is "Yes," the CACFP adult day care center must make the meal modification. If the recognized medical authority's answer is "No," the CACFP adult day care center can choose, but is not required, to make the meal modification. For more information, see "What Constitutes a Disability" on page 2.

#### Meal Modifications for Participants with Disabilities

Federal laws and USDA regulations require that CACFP adult day care centers make reasonable meal modifications on a case-by-case basis to accommodate participants whose disability restricts their diet. A "reasonable modification" is a change or alteration in policies, practices, and/or procedures to accommodate a disability that ensures participants with disabilities have equal opportunity to participate in or benefit from a program.

A request for a reasonable modification must be related to the disability or limitations caused by the disability and requires a medical statement from a state-licensed healthcare professional who is authorized to write medical prescriptions under state law. The Connecticut State Department of

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https://portal.ct.gov/-/media/SDE/Nutrition/CACFP/SpecDiet/AdultMedicalinstr.pdf https://portal.ct.gov/-/media/SDE/Nutrition/CACFP/SpecDiet/AdultMedicalinstr\_Spanish.pdf

#### **Handling Missing Information**

- Cannot deny or delay a requested meal modification with insufficient information
  - Must obtain appropriate clarification
  - Must work with adult participant or guardian/caregiver to obtain amended medical statement
- While obtaining additional information, must follow the portion of the medical statement that is clear and unambiguous to greatest extent possible

#### **Updates to Medical Statements**

- Changes to diet orders must be in writing on a medical statement signed by a recognized medical authority
- Develop a plan for ensuring that dietary information on file is current
- USDA recommends that CACFP adult day care centers maintain documentation when ending a meal accommodation

#### **Good Communication is Important**

USDA encourages inclusive team approach to provide appropriate meal modifications

• individuals from sponsoring organization and

adult day care center

- other individuals with appropriate training,
   e.g., nurse and registered dietitian
- food service personnel
- disability coordinator, e.g., Section 504
   Coordinator (if available)

#### **Good Communication is Important**

Establish procedures for identifying participants with special dietary needs and providing applicable information to food service staff and other applicable adult day care center staff who plan, prepare, and serve **CACFP** meals and snacks



#### **Sharing of Medical Statements**

Portability and Accountability
Act of 1996 (HIPAA) permits
disclosure of personal health
information needed for patient
care and other important
purposes



 May share copies of medical statements with food service and other applicable staff for the purposes of meal modifications

# CACFP Obligations for Reasonable Meal Modifications



## CACFP Obligations for Reasonable Meal Modifications

#### **General Guideline**

CACFP adult day care centers must offer a medically appropriate and reasonable modification that effectively accommodates the participant's disability and provides equal opportunity to participate in or benefit from the CACFP

## CACFP Obligations for Reasonable Meal Modifications

- Modification must be related to disability based on participant's medical statement
- Must assess each request on a case-by-case basis to determine appropriate modification for each individual participant

# **CACFP Obligations for Reasonable Meal Modifications**

Can consider cost, efficiency, mental capacity, and physical ability of participant



General Guideline: CACFP adult day care center must offer a medically appropriate and reasonable modification that effectively accommodates the participant's disability and provides equal opportunity to participate in or benefit from the CACFP

#### **Food Substitutions**

- Not required to provide the same meal
- Not required to provide a specific number of alternate meals
- Generally not required to provide a specific brand of food, unless medically necessary



General Guideline: CACFP adult day care center must offer a medically appropriate and reasonable modification that effectively accommodates the participant's disability and provides equal opportunity to participate in or benefit from the CACFP

#### **Nutrition Information**

CACFP adult day care center must make nutrition information for CACFP meals and snacks available to participants, guardians/caregivers, medical staff, and others, as needed



- Best Practice: Develop cycle menus for common special diets, e.g., five-day gluten-free diet cycle menu or two-week cycle menu for a specific food allergy
  - Check to ensure the cycle menu meets each participant's specific dietary requirements

#### **Texture Modifications**

Meals modified for texture (chopped, ground or pureed) consist only of *regular menu items*, unless otherwise specified



- Medical statement not required
  - However, CSDE recommends medical statement to ensure clear communication between participants (or guardians/caregivers) and staff about appropriate meal modifications

#### **Meal Services Outside USDA Programs**

CACFP adult day care centers are not required to provide meal services to participants with disabilities when the meal service is not normally available for all participants

Example: A CACFP adult day care center that does not serve breakfast is not required to provide breakfast for participants with disabilities





- Policies and practices must
  - protect the privacy of participants who have a disability
  - maintain the confidentiality of each participant's medical condition
- Cannot outwardly identify participants whose disability requires a meal modification

#### **Unacceptable practices**

- Posting lists of participants' dietary needs in public areas, e.g., a list of participants with food allergies
- Asking participants or guardians/caregivers to consent to a physical designation, such as wearing a lanyard, bracelet, pin, sticker, or similar item

#### **Acceptable practices**

Conduct a daily pre-service meeting with all applicable staff to review the CACFP menu and identify any menu items that should be avoided for certain dietary restrictions, such as food allergies, lactose intolerance, and gluten intolerance

#### **Acceptable practices**

- Provide regular staff updates for each participant whose disability requires a meal modification
- Post information about meal modifications in locations that are *only visible to applicable staff*, such as food service staff and the adult day care center staff supervising CACFP meals and snacks

#### **Acceptable practices**

- Maintain ongoing communication with participants and guardians/caregivers to explain the CACFP adult day care center's procedures for meal modifications, CACFP menus, and ensuring allergen-free meals and snacks
- Use a variety of communication methods, such as the adult day care center's website, handbooks, newsletters, e-mails, handouts, menu backs, bulletin boards and displays, meetings, and center events

#### **Acceptable practices**

- Different colored plates or trays to identify meals that meet specific dietary criteria
- If appropriate to the CACFP adult day care center's logistics and participants' mental capacity, use colored tags or labels, placards, or similar signage near each food item to identify each food item's dietary criteria

## **Appropriate Eating Areas**



#### **Appropriate Eating Areas**

- Must accommodate participants with disabilities in least restrictive and most integrated setting
  - Participants with disabilities must participate with participants without disabilities to the maximum extent appropriate
- Ensure food service areas are accessible
- Provide auxiliary aids and services, if needed
  - food service aides
  - adaptive feeding equipment
  - meal tracking assistance
  - other effective methods

#### **Appropriate Eating Areas**

- Separate table for participants with certain special needs may be appropriate under some circumstances
  - Must always be based on what is appropriate to meet participants' needs
  - Cannot segregate as a matter of convenience or for disciplinary reasons

#### **Example: Appropriate Eating Areas**



A participant requires a large degree of assistance from an aide in order to consume his meals. During the meal service, is it appropriate for the participant and the aide to be at a separate table that has more space?



If this is in the best interest of meeting the participant's needs

#### **Example: Appropriate Eating Areas**



An adult day care center designates a separate table where participants with severe food allergies can safely consume their meals. Is this an appropriate practice?



- If this is in the best interest of meeting each participant's needs
- Must be cleaned according to food safety guidelines to eliminate possible cross-contact of allergens on tables and seating

#### **Example: Appropriate Eating Areas**



An adult day care center designates an area away from the dining room where participants with severe food allergies can safely consume their meals. Is this an appropriate practice?



- If this is in the best interest of meeting each participant's needs
- Must be cleaned according to food safety guidelines to eliminate possible cross-contact of allergens on tables and seating

### **Separate Eating Areas for Food Allergies**

- CACFP adult day care centers should determine if a special seating arrangement is truly necessary
  - Get input from participant (or guardian/caregiver) and recognized medical authority
- Allow other participants to join participants with food allergies, provided they do not bring any foods that are potentially dangerous to those participants

#### **Food Bans**

- Universal exclusion of specific foods (or food groups) is not USDA policy
  - Could be appropriate depending on local circumstances
- If a CACFP adult day care center enacts a universal ban, the specific allergen must never be present in the adult day care setting
  - Participants and guardians/caregivers will assume the CACFP adult day care center is a safe place based on the stated ban

### **Procured Meals**



## **Procured Meals**

- Federal regulations specifically prohibit disability discrimination through contracts
- Must make reasonable modifications for participants with disabilities, regardless of whether the CACFP adult day care center
  - operates the food service
  - contracts with a food service management company (FSMC)
  - purchases vended meals



## **Procured Meals**

- As applicable, CACFP adult day care centers must address modifications for participants with disabilities in any contracts with a vendor or FSMC
- CACFP adult day care centers must make certain the vendor or FSMC is aware that meal modifications may be required during the term of the contract

## **Procured Meals**

Review USDA Memo SP 40-2016,
CACFP 12-2016 and SFSP 14-2016, Updated
Guidance: Contracting with Food Service
Management Companies



# **Procedural Safeguards**



## **Procedural Safeguards**

See page 7 of CSDE Operational Memorandum No. 2A-18

- USDA encourages CACFP adult day care centers to implement procedures for participants and guardians/caregivers to
  - request a reasonable meal modification
  - resolve grievances
- At a minimum, must provide notice of nondiscrimination and accessible services, as outlined in USDA's nondiscrimination regulations (7 CFR 15b.7)

## **Procedural Safeguards**

See page 7 of CSDE Operational Memorandum No. 2A-18

centers should ensure that staff understands the procedures for handling requests for meal modifications



# Procedural Safeguards for CACFP adult day care centers with 15 or more employees

- Must designate at least one person to coordinate compliance with disability requirements (often referred to as the Section 504 Coordinator)
- Must establish grievance procedures that incorporate appropriate due process standards and that provide for the prompt and equitable resolution of complaints

USDA's Nondiscrimination Regulations (7 CFR 15b.6): https://www.govinfo.gov/content/pkg/CFR-2010-title7-vol1/pdf/CFR-2010-title7-vol1-part15b.pdf

# USDA recommends that grievance procedures include

- allowing participants or their representatives to *submit a grievance* (complaint with any supporting documentation) for consideration by the CACFP adult day care center
- providing that a *prompt decision* by the CACFP adult day care center be rendered to the participant or participant's representative regarding the grievance

# USDA recommends that grievance procedures include

- ensuring that the decision includes the official USDA nondiscrimination statement, which advises the participant how to file a complaint with the USDA's Food and Nutrition Service (FNS)
  - The CSDE's document, CACFP Civil Rights Requirements, contains the official USDA nondiscrimination statement

# Procedural Safeguards for CACFP adult day care centers with less than 15 employees

USDA recommends having someone on staff who can provide technical assistance when adult day care centers are making meal modifications for participants with disabilities

# Meal Modifications for Participants without Disabilities



## Meal Modifications for Participants without Disabilities

- Optional
- Must always comply with the CACFP adult meal patterns



- Medical statement not required
  - CSDE recommends medical statement to ensure clear communication between participants (or guardians/caregivers) and staff about appropriate meal modifications

## Meal Pattern Requirements for Milk

- CACFP adult meal patterns
  - require milk at breakfast and lunch
  - allow milk as one of the two snack components
  - allow milk as optional at supper
- Milk may be unflavored or flavored low-fat (1%) or fat-free
  - USDA recommends serving only unflavored milk

# Two Allowable Types of Milk Substitutes for Participants without Disabilities

- CACFP adult day care centers may choose to offer one or more allowable milk substitutes in place of milk, including
  - lactose-reduced or lactose-free milk (unflavored low-fat or unflavored/flavored fat-free)
  - a nondairy beverage that meets the USDA nutrition standards for fluid milk substitutes





## Milk Substitutes for Participants without Disabilities

Without a disability, cannot offer juice, water, or any other beverages as a substitute for milk, even if specified on a medical statement



## Summary of Allowable Milk Substitutes for Participants with and without a Disability

Beverage	Allowable substitute?		
	Disability	No disability	
Juice	Yes *	No	
Water	Yes *	No	
Nondairy milk substitute that complies with the USDA's nutrition standards for fluid milk substitutes, such as soy milk	Yes *	Yes	

<sup>\*</sup> If specified by the recognized medical authority in the participant's medical statement

## Summary of Allowable Milk Substitutes for Participants with and without a Disability

Beverage	Allowable substitute?		
	Disability	No disability	
Nondairy milk substitute that does not meet USDA's nutrition standards for fluid milk substitutes, such as almond milk, rice milk, and cashew milk	Yes *	No	

<sup>\*</sup> If specified by the recognized medical authority in the participant's medical statement

## Summary of Allowable Milk Substitutes for Participants with and without a Disability

Beverage	Allowable substitute?		
	Disability	No disability	
Nutrition supplement beverages, such as Abbott's Pediasure	Yes *	No	
Powdered milk beverages such as Nestle's NIDO	Yes *	No	

<sup>\*</sup> If specified by the recognized medical authority in the participant's medical statement

### **CSDE** Resource

Allowable Milk
Substitutes for Adult
Participants without
Disabilities in the
CACFP

### Allowable Milk Substitutes for Adult Participants without Disabilities in the Child and Adult Care Food Program

The requirements in this document apply only to adult day care centers that participate in the Child and Adult Care Food Program (CACFP), and offer milk substitutes for adult participants whose dietary needs do not constitute a disability. Meal modifications for adult participants whose disability restricts their diet must follow the federal nondiscrimination laws and regulations. For more information, review the Connecticut State Department of Education's (CSDE) guide, Accommodating Special Diets in CACFP Adult Day Care Centers, and visit the CSDE's Special Diets in CACFP Adult Day Care Centers webpage.

#### 8 - 4 8 - 4 8 - 4 8 - 4 8 - 4

Adult day care centers that participate in the CACFP must follow the U.S. Department of Agriculture's (USDA) requirements for milk substitutes for adult participants without disabilities. These requirements apply only to meal modifications for adult participants without disabilities who cannot drink milk.

CACFP adult day care centers have the option to make this accommodation by offering one or more allowable fluid milk substitutes for adult participants without disabilities. If the CACFP adult day care center chooses to make allowable milk substitutes available, they must be available for all adult participants when requested by the adult participant or guardian/caregiver. The USDA does not provide additional reimbursement for these substitutions.

#### Allowable Fluid Milk Substitutes

CACFP adult day care centers may choose to offer one or more allowable milk substitutes for adult participants whose dietary needs do not constitute a disability. The two types of allowable substitutes include:

- lactose-reduced or lactose-free milk (unflavored low-fat (1%) and unflavored or flavored fat-free); and
- nondairy milk substitutes that meet the USDA's nutrition standards for fluid milk substitutes, such as certain brands of soy milk.

The USDA recommends that lactose-free or lactose-reduced milk is the first choice for adult participants with lactose intolerance.

CACFP adult day care centers may choose to offer only one milk substitute, such as lactose-free low-fat unflavored milk. If adult participants decide not to take this option, the CACFP adult day care center is not obligated to offer any



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# Summary of USDA Requirements



# Summary of USDA Requirements for Meal Modifications

Criteria	Disability	No disability
Meal modification	Required *	Optional
Medical statement signed by recognized medical authority	Required	Recommended
Modified meals must meet CACFP adult meal patterns	No	Yes
* If disability restricts partic	ipant's diet	

### **Determining if Meal Modifications Are Required**

Does the participant have a physical or mental impairment that meets the definition of *disability* under any of the federal nondiscrimination laws (Section 504, the ADA and ADA Amendments Act, and the USDA's nondiscrimination regulations 7 CFR 15 b)?



NO

Does the physical or mental impairment restrict the participant's diet?

CACFP adult day care center is *not required* to make the meal modification



Did the participant or guardian/caregiver provide a *medical statement* signed by a recognized medical authority that indicates:

- how the participant's physical or mental impairment restricts the participant's diet;
- an explanation of what must be done to accommodate the participant; and
- if appropriate, the food or foods to be omitted and recommended alternatives?



CACFP adult day care center is *not required* to make the meal modification



CACFP adult day care center is *required* to make a reasonable meal modification



CACFP adult day care center is *required* to make a reasonable meal modification and must work with participant or guardian/caregiver to obtain a medical statement

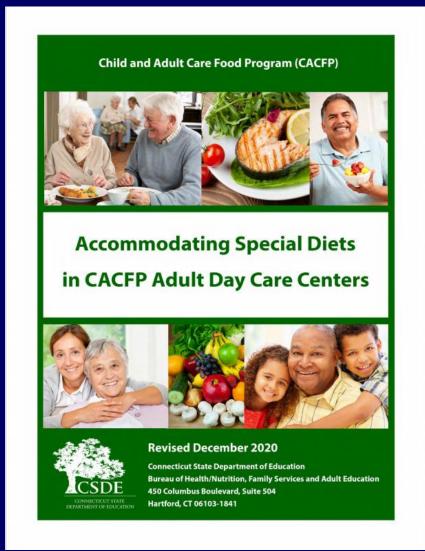
# More Resources



### **CSDE** Resource

# Accommodating Special Diets in CACFP Adult Day Care Centers

Detailed information and guidance on the federal and state requirements for meal modifications in CACFP adult day care centers



## **CSDE Operational Memorandum**

Operational
Memorandum No. 2A-18
(October 20, 2017)
Requirements for Meal
Modifications in CACFP
Child Care Centers and
Family Day Care Homes



### STATE OF CONNECTICUT



TO: Child and Adult Care Food Program (CACFP) Adult Day Care Centers

FROM: John D. Frassinelli, Chief

Bureau of Health/Nutrition, Family Services and Adult Education

DATE: October 20, 2017

SUBJECT: Operational Memorandum No. 2A-18

Requirements for Meal Modifications in CACFP Adult Day Care Centers

On June 22, 2017, the U.S. Department of Agriculture (USDA) issued policy memo CACFP 14-2017 SFSP 10-2017: Modifications to Accommodate Distabilities to CACFP and SFSP. This operational memorandum significantly changes the requirements and process for meal modifications for adult participants with disabilities in CACFP adult day care centers.

This operational memorandum provides an overview of the key requirements for meal modifications, including relevant legislation and definitions, and summarizes the Connecticut State Department of Education's (CSDE) special dies implementation resources for CACFP adult day care centers. For detailed guidance, review the CSDE's guide, Accommodating Special Diets in CACFP Adult Day Care Contents.

#### REVISED RESOURCES

The CSDE has recently revised the following documents to reflect the USDA's policy guidance in CACFP 14-2017 SFSP 10-2017:

- · Accommodating Special Diets in CACFP Adult Day Care Centers;
- Allowable Milk Substitutes for Adults without Disabilities in the CACFP;
- · Medical Statement for Meal Modifications in CACFP Adult Day Care Centers; and
- Guidance and Instructions: Medical Statement for Meal Modifications in CACFP Adult Day Care Centers (new resource).

Please discard my old versions of these documents and replace with the revised versions. CACFP adult day care centers must carefully review these resources to ensure compliance

CACFP adult day care centers must carefully review these resources to ensure compliance with the USDA requirements for meal modifications for adult participants with disabilities in the CACFP.

Please note that there is only one medical statement for all meal modification requests for adult participants with and without disabilities. This form replaces the previous two forms (medical statement for adult participants with disabilities and medical statement for adult participants without disabilities).

> P.O. BOX 2219 | HARTFORD, CONNECTICUT 06145 do Equal Oppuranty Employer

https://portal.ct.gov/-/media/SDE/Nutrition/CACFP/Memos/OM2018/OM02A18.pdf

## **USDA Policy Memo**

CACFP 14-2017
SFSP 10-2017
(June 22, 2017)
Modifications to
Accommodate
Disabilities in CACFP
and SFSP



SUBJECT:

Food and Nutrition Service DATE: June 22, 2017

MEMO CODE: CACFP 14-2017, SFSP 10-2017

Park Office Center

3101 Park Center Drive Alexandria VA 22302 Modifications to Accommodate Disabilities in the Child and

Adult Care Food Program and Summer Food Service

Program

TO: Regional Directors

Special Nutrition Programs

All Regions

State Directors

Child Nutrition Programs

All States

This memorandum outlines the requirements for Child and Adult Care Food Program (CACFP) institutions and facilities and Summer Food Service Program (SFSP) sponsors (Program operators) to provide reasonable modifications to Program meals or the meal service to accommodate children or adults (participants) with disabilities. This memorandum supersedes FNS Instruction 783-2, Rev. 2. With the release of this memorandum, FNS Instruction 783-2, Rev. 2 has been rescinded.

#### BACKGROUND

This guidance only addresses modifications required to accommodate disabilities that restrict a participant's diet. Program operators have the option to accommodate special dietary needs that do not constitute a disability, including those related to religious or moral convictions or personal preference. Additional guidance on accommodating special dietary needs and preferences that are not related to a disability will be provided separately.

Program regulations require Program operators to ensure that breakfast, lunch, snack, or milk (meals) offered through the CACFP and SFSP meet the respective meal pattern requirements established in the Program regulations. Federal law and USDA regulations further require Program operators to make reasonable modifications to accommodate participants with disabilities. This includes providing special meals, at no extra charge, to participants with a disability that restricts the participant's diet.

Program operators are required to make substitutions to meals for participants with a disability that restricts participant's diet on a case-by-case basis and only when supported by a written statement from a State licensed healthcare professional,

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### **CSDE** Resource

Self-assessment
of Adult Day
Care Center
Practices for
Special Diets in
the CACFP

#### Self-assessment of Adult Day Care Center Practices for Special Diets in the Child and Adult Care Food Program

This tool is intended to help adult day care centers that participate in the U.S. Department of Agriculture's (USDA) Child and Adult Care Food Program (CACFP) assess current practices for meal modifications, and identify areas in need of improvement. The federal nondiscrimination laws require reasonable meal modifications for participants whose disability restricts their diet, based on documentation from a recognized medical authority. A recognized medical authority is a state-licensed healthcare professional who is authoritzed to write medical prescriptions under state law. This includes physicians, physician assistants, doctors of osteopathy, and advanced practice registered nurses. For information on the requirements for meal modifications, review the Connecticut State Department of Education's (CSDE) guide, Accommodating Special Diets in CACFP Adult Day Care Centers, and visit the CSDE's Special Diets in CACFP Adult Day Care Centers webpage.

For participants whose dietary restrictions are not related to a disability, CACFP adult day care centers may choose to make optional modifications within the CACFP adult meal patterns. For information on the CACFP adult meal patterns, visit the CSDE's Meal Patterns for CACFP Adult Day Care Centers webpage and review the CSDE's guide, Meal Pattern Requirements for CACFP Adult Day Care Centers.

#### 

Step 1 — Assessment. Check the appropriate box to indicate if each practice is fully implemented, partially implemented, or not implemented by the CACFP adult day care center. Refer to the CACFP adult day care center's policies, guidelines, and standard operating procedures (SOPs) for special diets and meal modifications. Check "Not known" if additional information is needed to determine whether the CACFP adult day care center implements the practice.

			implementation		
Fee	deral and state requirements	Full	Partial	None	Not known
1.	The CACFP adult day care center complies with the federal requirements for meal modifications, including the USDA CACFP regulations (7 CFR 226), USDA nondiscrimination regulations (7 CFR 15b), Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act (ADA), and the ADA Amendments Act. For more information, review section 1 of the CSDE's guide, Accommodating Special Diets in CACFP Adult Day Care Centers.				
2.	The CACFP adult day care center makes reasonable meal modifications for participants whose disability restricts their diet, based on the medical statement signed by a recognized medical authority. The medical statement identifies: 1) how the participant's physical or mental impairment restricts the participant's diet; 2) an explanation of what must be done to accommodate the participant; and 3) the food or foods to be omitted and recommended alternatives, if appropriate. Note: The CSDE's form, Medical Statement for Meal Modifications in CACFP Adult Day Care Centers, is available in English and Spanish in the "Documents/Forms" section of the CSDE's Special Diets in CACFP Adult Day Care Centers webpage.				
3.	The CACFP adult day care center maintains a medical statement for each participant who requires a meal modification due to a disability.				
4.	When identifying participants during the meal service who require modified meals and snacks due to a disability, the CACFP adult day care center implements policies and practices that protect the privacy of participants and maintain the confidentiality of each participant's medical condition. For more information, see "Identifying Adult Participants" in section 2 of the CSDE's guide, Accommodating Special Diets in CACFP Adult Day Care Centers.				

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https://portal.ct.gov/-/media/SDE/Nutrition/CACFP/SpecDiet/AssessmentSpDietCACFPAdults.pdf

Implementation

## **CSDE Webpage**

### **Special Diets in CACFP Adult Day Care Centers**

### Special Diets in CACFP Adult Day Care Centers Overview What's Next Documents/Forms Related Resources Laws/Regulations Contact Provided by: Department of Education

#### Overview

CACFP | Adult Day Care Centers | Program Guidance | Forms | Operational Memos | Resources

The Connecticut State Department of Education's (CSDE) guide, Accommodating Special Diets in CACFP Adult Day Care Centers 12 , provides guidance on meal modifications for CACFP adult particpants with special dietary needs, based on the federal nondiscrimination laws and U.S. Department of Agriculture (USDA) regulations. This guide applies to CACFP adult day care centers.

#### Participants with a Disability

The USDA requires reasonable meal modifications on a case-by-case basis for adult participants whose disability restricts their diet, based on a medical statement signed by a recognized medical authority. "Case-by-case basis" means that the meal modifications are specific to the individual medical condition and dietary needs of each adult participant. The Connecticut State Department of Public Health defines a recognized medical authority as a state-licensed health care professional who is authorized to write medical prescriptions under state law. This includes licensed physicians (doctors of medicine or osteopathy), physician assistants, and advanced practice registered nurses (APRN).

#### Participants without a Disability

The USDA allows, but does not require, meal modifications for adult participants whose special dietary needs do not constitute a disability. Examples of optional modifications include requests related to religious or moral convictions, general health concerns, and personal food preferences, such as adult participants who prefers a gluten-free diet or organic foods because they believe it is healthier. CACFP adult day care centers may choose to make these accommodations on a case-by-case basis. Meal modifications for adult participants without disabilities must comply with the CACFP adult meal patterns

https://portal.ct.gov/SDE/Nutrition/Special-Diets-in-CACFP-Adult-Day-Care-Centers

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- (1) mail: U.S. Department of Agriculture
  Office of the Assistant Secretary for Civil Rights
  1400 Independence Avenue, SW
  Washington, D.C. 20250-9410;
- (2) fax: (202) 690-7442; or
- (3) email: program.intake@usda.gov.

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